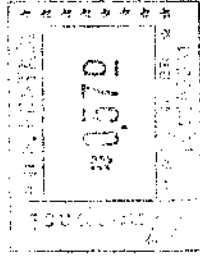


OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
U. S. COURTHOUSE  
228 WALNUT STREET  
P.O. BOX 983  
HARRISBURG, PA 17108

RETURN TO SENDER

MARIE D'ANDREA, CLERK

AUG 10 2005



- A ☐ C ☐ S ☒
- ☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☒ NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD
- ☐ OTHER

RTS  
RETURN TO SENDER

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL NO. 1:CV-01-336-01
	:	
v.	:	
	:	
TYRONE SMITH a/k/a "Manny"	:	

**ORDER**

Before the court is court appointed counsel's Petition to Withdraw. Counsel was appointed to represent Defendant at a resentencing hearing which resulted in a reduction of Defendant's sentence by 120 months. On August 2, 2005, counsel received a copy of a letter addressed to the court that claimed ineffective assistance of counsel. As a result of the contents of that letter, counsel believes his ability to represent Defendant has been compromised.

Upon consideration thereof, **IT IS HEREBY ORDERED THAT:**

- 1) The motion is **GRANTED** and attorney Dennis E. Boyle is withdrawn as counsel for Defendant.
- 2) The Clerk of Court shall immediately file a notice of appeal on behalf of Defendant Tyrone Smith.
- 3) Defendant shall submit to the Third Circuit Court of appeals a request for court appointed counsel.

4) The Clerk of Court shall provide to Defendant a financial affidavit form along with the address of the Third Circuit Court of Appeals to which he shall direct his request.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: August 2, 2005.

CJA 23 Rev. 5/98		<h1 style="margin: 0;">FINANCIAL AFFIDAVIT</h1>		IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE	
IN UNITED STATES IN THE CASE OF _____ V.S. _____		<input type="checkbox"/> MAGISTRATE <input type="checkbox"/> DISTRICT <input type="checkbox"/> APPEALS COURT or <input type="checkbox"/> OTHER PANEL (Specify below)		LOCATION NUMBER <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
PERSON REPRESENTED (Show your full name) <div style="border: 1px solid black; height: 40px; width: 100%;"></div>		FOR _____ AT _____		DOCKET NUMBERS Magistrate District Court Court of Appeals	
CHARGE/OFFENSE (describe if applicable & check box →)		<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor		1 <input type="checkbox"/> Defendant—Adult 2 <input type="checkbox"/> Defendant - Juvenile 3 <input type="checkbox"/> Appellant 4 <input type="checkbox"/> Probation Violator 5 <input type="checkbox"/> Parole Violator 6 <input type="checkbox"/> Habeas Petitioner 7 <input type="checkbox"/> 2255 Petitioner 8 <input type="checkbox"/> Material Witness 9 <input type="checkbox"/> Other	

<b>ASSETS</b>	<b>EMPLOYMENT</b>	Are you now employed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self-Employed Name and address of employer: _____ IF YES, how much do you earn per month? \$ _____ IF NO, give month and year of last employment _____ How much did you earn per month? \$ _____	
	<b>OTHER INCOME</b>	If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No IF YES, how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____	
	<b>CASH</b>	Have you received within the past 12 months any income from a business, profession, or in the form of rent payments, interest, dividends, retirement or annuity payments, or in the form of self-employment, or in the form of _____ <b>RECEIVED</b> IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES \$ _____	
	<b>PROPERTY</b>	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (including clothing)? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>VALUE</b> IF YES, GIVE THE VALUE AND \$ DESCRIBE IT _____ _____ _____	

3rd Circuit  
 Court of Appeals  
 601 Market St  
 Philadelphia, PA  
 19106

<b>OBLIGATIONS &amp; DEBTS</b>	<b>DEPENDENTS</b>	MARITAL STATUS <input type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR DIVORCED	Total No. of Dependents _____	List persons you actually support and your relationship to them _____ _____ _____
	<b>DEBTS &amp; MONTHLY BILLS</b> <small>(LIST ALL CREDITORS INCLUDING BANKS, LOAN COMPANIES, CREDIT ACCOUNTS, ETC.)</small>	APARTMENT OR HOME:	Creditors	Total Debt
		_____	\$ _____	\$ _____
		_____	\$ _____	\$ _____
		_____	\$ _____	\$ _____

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) \_\_\_\_\_

SIGNATURE OF DEFENDANT  
(OR PERSON REPRESENTED)



NOTICE OF APPEAL  
TO  
U.S. COURT OF APPEALS, THIRD CIRCUIT

U.S. DISTRICT COURT: MIDDLE DISTRICT OF PENNSYLVANIA, HARRISBURG, PA.

U.S. TAX COURT [ ]

CIRCUIT COURT  
DOCKET NO. \_\_\_\_\_

(Leave Blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

TYRONE J. SMITH

DISTRICT or  
TAX COURT  
DOCKET NO. 1:01-CR-0336-01

DISTRICT or  
TAX COURT  
JUDGE Sylvia II. Rambo

Notice is hereby given that Tyrone Smith

appeals to the United States Court of Appeals for the Third Circuit from [X ] Judgment

entered in this action on: July 28, 2005

DATED: August 2, 2005

Tyrone J. Smith, Pro-Se  
10924-067  
FCI Schuylkill  
P.O. Box 759  
Minersville, PA. 17954

William Behe, AUSA  
U.S. Attorney's Office  
228 Walnut Street  
Harrisburg, PA. 17101  
717-221-4484  
(Counsel for Appellee)

(Tel. No. - U.S. Gov't. FTS or Other)

(Tel. No. - U.S. Gov't. FTS or Other)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for  
appellees cannot be listed on the notice of appeal sheet.